

REMARKS

Claim 36 has been amended to recite that the two arched-shaped elasticized barrier layers intersect each other. This structural limitation is clearly shown in Figure 20 and the corresponding disclosure in the specification at page 18, line 15 to page 19, line 9 and, therefore, it does not constitute new matter.

Claim 36 has been rejected under 35 U.S.C. 112, second paragraph. The following clarifications, all expressly found in claim 36, should obviate this rejection.

The Examiner asks "Do the elasticized barrier layers intersect the topsheet, the longitudinal sides, each other, etc.?" Amended claim 36 clearly states that these barrier layers intersect each other.

The Examiner next asks "Does the applicant intend for the retaining enclosure to be positioned between the topsheet and the backsheet or between the barrier layer and the topsheet?" Claim 36 expressly recites, in paragraph (d), lines 5-7 and lines 11-13 that the first retaining enclosure is between the first barrier layer and the topsheet, and the second retaining enclosure is between the second barrier layer and the topsheet.

The Examiner further inquires "Does the applicant intend to claim 4 barrier layers or two arched-shaped elasticized barrier layers comprising a first and second elasticized barrier layer?" Again claim 36 specifically recites two arched-shaped elasticized barrier layers. See paragraph (d), lines 1-2 and 7.

Claim 36 stands rejected under 35 U.S.C. 102(b) over U.S. 4,753,646 (Enloe). It is submitted that in view of the present amendment of claim 36, and clarification of the rejection under 35 U.S.C. 112, Enloe does not anticipate the invention defined by claim 36, nor can Enloe support a rejection under 35 U.S.C. 103.

In view of the foregoing amendment of claim 36 and the remarks herein, reconsideration of the rejection and a favorable action on claim 36 are requested.

The entry of this amendment is requested for the purpose of an appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James W. Badie', is written over a horizontal line.

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